

REMARKS

Applicants wish to thank Examiner Mertz for the courtesy extended to Applicants' undersigned representative in granting a telephonic interview on July 16, 2009 to discuss the outstanding rejections of the claims.

Applicants have cancelled claims 13, 14 and 15 without prejudice, expressly reserving the right to pursue the subject matter of the cancelled claims in one or more subsequently filed applications.

Applicants have amended claim 1 to correct clerical errors and to recite "wherein said domain comprises the amino acid sequence selected from the group consisting of SEQ ID NO: 12, SEQ ID NO: 13 and SEQ ID NO: 14." Support for this amendment is found e.g. on page 4 paragraphs [0012-0014].

Applicants have amended 3-5 to correct clerical errors. As amended the claims recite that the domain comprises the amino acid sequence set forth in SEQ ID NO: 12, 13, or 14 respectively.

Claims 1, 3 and 6 stand rejected under 35 U.S.C. § 112, first paragraph for purportedly failing to satisfy the written description requirement. .

Applicants' amended claim 1 recites that the domain comprises the amino acid sequence selected from the group consisting of SEQ ID NO: 12, SEQ ID NO: 13 and SEQ ID NO: 14", which is supported by page 4 paragraphs [0012-0014]. In view of the amendments to the claims, Applicants request that the Examiner reconsider and withdraw the rejection.

Claims 1,3 and 6 stand rejected under 35 U.S.C. § 112, first paragraph for purportedly lacking enablement. Applicants disagree.

Applicants' amended claim 1 recites that the domain comprises the amino acid sequence selected from the group consisting of SEQ ID NO: 12, SEQ ID NO: 13 and SEQ ID NO: 14. One of skill in the art could readily make and use the invention as presently claimed without resorting to undue experimentation. As such, the invention as currently claims in enabled and Applicants request that the Examiner reconsider and withdraw the rejection of claims 1, 3 and 6 under 35 U.S.C. § 112, first paragraph for lack of enablement.

Claims 1, 3, and 6 stand rejected under 35 U.S.C. 112, second paragraph for purportedly being indefinite. Applicants disagree but in order to expedite prosecution, Applicants have amended claims 1 to recite

“wherein said polypeptide comprises a modified human growth hormone polypeptide comprising a substitution of glycine 120 with arginine in the amino acid sequence”

rather than

”wherein said polypeptide comprises a modified human growth hormone polypeptide wherein said modification is substitution of glycine 120 with arginine of the amino acid sequence”

Applicants have amended claims 3, 4 and 5 to recite

“ . . . the amino acid sequence set forth in SEQ ID NO: . . . ”

rather than

“ . . . the amino acid sequence SEQ ID NO: . . . ”

In view of the amendments to the claims, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1, 3, and 6 under 35 U.S.C. §112, second paragraph for indefiniteness.

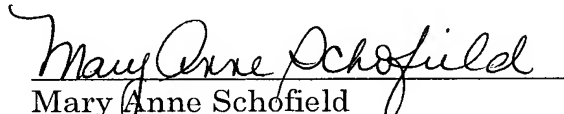
Applicants believe the application is now in condition for allowance and request that claims 4 and 5, be rejoined and allowed.

If there are any questions regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket # 100042.59316US).

Respectfully submitted,

July 16, 2009


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